

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

LARRY LLOYD,

Plaintiff,

v.

BRIAN YANKEY, JOHN DOE, P.A.
JOHNSON, BRUCE KALER, SUE
STEVEN,

Defendants.

No. C12-5913 RJB/KLS

ORDER DENYING SECOND
EXTENSION OF TIME TO RESPOND TO
MOTION TO DISMISS

Defendant Brian Yankey filed a motion to dismiss on January 31, 2012. ECF No. 23. Two weeks after his deadline to respond, Plaintiff requested and was granted a forty-five (45) day extension of time to file his response and the motion to dismiss was re-noted for April 12, 2013. ECF Nos. 27 and 28. On March 20, 2013, Plaintiff requested that the Court send him a copy of his complaint. ECF No. 30. He did not request a copy of the pending motion to dismiss. The Clerk sent Plaintiff a copy of his complaint, without cost, on March 21, 2013.

On April 1, 2013, Plaintiff obtained another copy of Defendants' motion from the Kitsap County Prosecutor's office. ECF No. 35 (Declaration of Carrie Bruce, Exhibit B). Plaintiff now seeks an additional continuance due to the prosecutor's "delay and failure to forward a copy of Defendants' motion to dismiss." ECF No. 31, p. 1. However, the docket reflects that Plaintiff was served with Defendant Yankey's motion a full week before he was arrested and booked into the Kitsap County Jail on February 7, 2013. ECF No. 35 (Declaration of Carrie Bruce, Exhibit A). Moreover, in his first motion for extension, Plaintiff conceded that he was in

1 possession of Defendant's motion, had reviewed it, and was aware of its contents. ECF No. 27,
2 p. 3.

3 Based on the foregoing, the undersigned finds that Plaintiff has failed to show good
4 cause for yet another extension of Defendant Yankey's motion to dismiss. See Fed.R.Civ.P.
5 6(b)(1).

6 Accordingly, it is **ORDERED**:

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8 (1) Plaintiff's second motion for an extension (ECF No. 31) is **DENIED**. Defendant
9 Yankey's motion to dismiss (ECF No. 23) shall be considered as currently noted.

10 (2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
11 Defendants.

12 **DATED** this 22nd day of April, 2013.

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15 Karen L. Strombom
16 United States Magistrate Judge
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